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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,730	07/20/2005	Markus Wolfram	3827.138	8396
41288	7590	03/01/2011		
PATENT CENTRAL LLC Stephan A. Pendorf 1401 Hollywood Boulevard Hollywood, FL 33020			EXAMINER	
			HOOK, JAMES F	
			ART UNIT	PAPER NUMBER
			3754	
MAIL DATE	DELIVERY MODE			
03/01/2011	PAPER			

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/542,730	WOLFRAM ET AL.	
	<b>Examiner</b>	Art Unit	
	James F. Hook	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 17 December 2010.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 1,2,7-11,14,15,18,19 and 23-28 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,7-11,14,15,18,19 and 23-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

##### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oldham (FR 2197140) in view of Blin. The reference to Oldham discloses all of the recited structure with the exception of forming the ring sleeve with a wave shape running in the axial direction, and where the sequential wave peaks of the ring sleeve exhibit a decreasing radial height going towards the free end of the ring sleeve, where the wave peaks of the wave shape are presented on the outer surface of the transport pipe. The reference to Blin discloses the recited pipe comprising a multilayered tube structure 5 provided with a ring sleeve 2 having sequential wave peaks 10 and a decreased radial height wave peak near 20a going towards the free end of the ring sleeve, and as seen in the drawings, such as figure 2, that the waves extend to the outside of the pipe specifically to the outer most layer 5. It would have been obvious to one skilled in the art to modify the ring sleeve in Oldham by forming such with sequential wave peaks that have decreasing radial height going towards the free end of the ring sleeve and that such would also form wave peaks on the outer surface of the pipe as suggested by Blin where such would allow for easier insertion of the ring sleeve

within the pipe and the forming of the layers around the wave peaks would insure the pipe would not slip past the peaks of the connector.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oldham (FR 2197140) in view of Fischerkeller. The reference to Oldham discloses all of the recited structure with the exception of forming the ring sleeve with a wave shape running in the axial direction, and where the sequential wave peaks of the ring sleeve exhibit a decreasing radial height going towards the free end of the ring sleeve, where the wave peaks of the wave shape are presented on the outer surface of the transport pipe. The reference to Fischerkeller discloses the recited pipe comprising a tube structure 20 provided with a ring sleeve 10 having sequential wave peaks 14 and a decreased radial height wave peak near 14a going towards the free end of the ring sleeve, and as seen in the drawings, such as figure 3, that the waves extend to the outside of the pipe. It would have been obvious to one skilled in the art to modify the ring sleeve in Oldham by forming such with sequential wave peaks that have decreasing radial height going towards the free end of the ring sleeve and that such would also form wave peaks on the outer surface of the pipe as suggested by Fischerkeller where such would allow for easier insertion of the ring sleeve within the pipe and the forming of the layers around the wave peaks would insure the pipe would not slip past the peaks of the connector.

Claims 8-11, 18, 19, and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montaron (EP 266810) in view of Blin. The reference to Montaron

discloses all of the recited structure with the exception of forming the ring sleeve with a wave shape running in the axial direction, and where the sequential wave peaks of the ring sleeve exhibit a decreasing radial height going towards the free end of the ring sleeve, where the wave peaks of the wave shape are presented on the outer surface of the transport pipe. The reference to Blin discloses the recited pipe comprising a multilayered tube structure 5 provided with a ring sleeve 2 having sequential wave peaks 10 and a decreased radial height wave peak near 20a going towards the free end of the ring sleeve. It would have been obvious to one skilled in the art to modify the ring sleeve in Montaron by forming such with sequential wave peaks that have decreasing radial height going towards the free end of the ring sleeve and that such would also form wave peaks on the outer surface of the pipe as suggested by Blin where such would allow for easier insertion of the ring sleeve within the pipe and the forming of the layers around the wave peaks would insure the pipe would not slip past the peaks of the connector.

Claims 8-11, 18, 19, and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montaron (EP 266810) in view of Fischerkeller. The reference to Montaron discloses all of the recited structure with the exception of forming the ring sleeve with a wave shape running in the axial direction, and where the sequential wave peaks of the ring sleeve exhibit a decreasing radial height going towards the free end of the ring sleeve, where the wave peaks of the wave shape are presented on the outer surface of the transport pipe. The reference to Fischerkeller discloses the structure above. It would have been obvious to one skilled in the art to modify the ring sleeve in

Montaron by forming such with sequential wave peaks that have decreasing radial height going towards the free end of the ring sleeve and that such would also form wave peaks on the outer surface of the pipe and that such would also form wave peaks on the outer surface of the pipe as suggested by Fischerkeller where such would allow for easier insertion of the ring sleeve within the pipe and the forming of the layers around the wave peaks would insure the pipe would not slip past the peaks of the connector.

Claims 8-11, 18, 19, and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (DE 1932448) in view of Blin. The reference to Klein discloses all of the recited structure with the exception of forming the ring sleeve with a wave shape running in the axial direction, and where the sequential wave peaks of the ring sleeve exhibit a decreasing radial height going towards the free end of the ring sleeve, where the wave peaks of the wave shape are presented on the outer surface of the transport pipe. The reference to Blin discloses the recited pipe comprising a multilayered tube structure 5 provided with a ring sleeve 2 having sequential wave peaks 10 and a decreased radial height wave peak near 20a going towards the free end of the ring sleeve. It would have been obvious to one skilled in the art to modify the ring sleeve in Klein by forming such with sequential wave peaks that have decreasing radial height going towards the free end of the ring sleeve and that such would also form wave peaks on the outer surface of the pipe as suggested by Blin where such would allow for easier insertion of the ring sleeve within the pipe and the forming of the layers around the wave peaks would insure the pipe would not slip past the peaks of the connector.

Claims 8-11, 18, 19, and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein (DE 1932448) in view of Fischerkeller. The reference to Klein discloses all of the recited structure with the exception of forming the ring sleeve with a wave shape running in the axial direction, and where the sequential wave peaks of the ring sleeve exhibit a decreasing radial height going towards the free end of the ring sleeve, where the wave peaks of the wave shape are presented on the outer surface of the transport pipe. The reference to Fischerkeller discloses the recited structure above. It would have been obvious to one skilled in the art to modify the ring sleeve in Klein by forming such with sequential wave peaks that have decreasing radial height going towards the free end of the ring sleeve and that such would also form wave peaks on the outer surface of the pipe as suggested by Fischerkeller where such would allow for easier insertion of the ring sleeve within the pipe and the forming of the layers around the wave peaks would insure the pipe would not slip past the peaks of the connector.

Claims 1, 2, 7-11, 14, 15, 18, 19, and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLarty in view of Blin. The reference to McLarty discloses the recited transport pipe where the use of such for concrete is merely intended use and the pipe of McLarty is capable of use with concrete, comprising an inner pipe of abrasion resistant plastic 1, at least one joint element 6,3 joined on an external end of the inner pipe, a radially extending collar and a concentric ring sleeve to the inner pipe, at least the internal pipe connected to the joint element, the radially projecting collar includes a ring step inwardly toward the inside of the pipe and recessed such that the

ring shaped end face near 10 and 7 engages the inner pipe inside of the ring step, the end face is flush, an outer sleeve reinforcing jacket 2 of reinforce fiber impregnated plastic matrix, the joint element has an wavy face formed by member 3, epoxy binds it as an adhesion promoter, the fibers are glass, the matrix material is epoxy, the fibers are a mat form, the wave form of the joint element forms a tapered face at the free end as seen in the figure the waves of the connector extend to the outer surface of the transport pipe. The reference to McLarty discloses all of the recited structure with the exception of what materials are used such as polyurethane (pu), providing pins or bolts to hold the parts together, and forming the waves of decreasing outer extent and providing more than one wave, however these are considered merely choices of mechanical expedients. It would have been obvious to one skilled in the art to modify the inner liner and connector of McLarty by forming such of PU, and providing pins or bolts to hold them together as such are merely choices of mechanical expedients and are old and well known in the art where only routine skill and experimentation are required to achieve optimum results. The reference to Blin discloses the recited pipe comprising a multilayered tube structure 5 provided with a ring sleeve 2 having sequential wave peaks 10 and a decreased radial height wave peak near 20a going towards the free end of the ring sleeve. It would have been obvious to one skilled in the art to modify the ring sleeve in McLarty by forming such with sequential wave peaks that have decreasing radial height going towards the free end of the ring sleeve as suggested by Blin where such would allow for easier insertion of the ring sleeve within the pipe.

Claims 1, 2, 7-11, 14, 15, 18, 19, and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLarty in view of Fischerkeller. The reference to McLarty discloses the recited transport pipe where the use of such for concrete is merely intended use and the pipe of McLarty is capable of use with concrete, comprising an inner pipe of abrasion resistant plastic 1, at least one joint element 6,3 joined on an external end of the inner pipe, a radially extending collar and a concentric ring sleeve to the inner pipe, at least the internal pipe connected to the joint element, the radially projecting collar includes a ring step inwardly toward the inside of the pipe and recessed such that the ring shaped end face near 10 and 7 engages the inner pipe inside of the ring step, the end face is flush, an outer sleeve reinforcing jacket 2 of reinforce fiber impregnated plastic matrix, the joint element has an wavy face formed by member 3, epoxy binds it as an adhesion promoter, the fibers are glass, the matrix material is epoxy, the fibers are a mat form, the wave form of the joint element forms a tapered face at the free end as seen in the figure the waves of the connector extend to the outer surface of the transport pipe. The reference to McLarty discloses all of the recited structure with the exception of what materials are used such as polyurethane (pu), providing pins or bolts to hold the parts together, and forming the waves of decreasing outer extent and providing more than one wave, however these are considered merely choices of mechanical expedients. It would have been obvious to one skilled in the art to modify the inner liner and connector of McLarty by forming such of PU, and providing pins or bolts to hold them together as such are merely choices of mechanical expedients and are old and well known in the art where only routine skill and

experimentation are required to achieve optimum results. The reference to Fischerkeller discloses the recited structure above. It would have been obvious to one skilled in the art to modify the ring sleeve in McLarty by forming such with sequential wave peaks that have decreasing radial height going towards the free end of the ring sleeve as suggested by Fischerkeller where such would allow for easier insertion of the ring sleeve within the pipe.

***Response to Arguments***

Applicant's arguments filed December 17, 2010 have been fully considered but they are not persuasive. With respect to Blin, the waves do extend to the outside layer of the pipe as seen in figure 2, and without more specific claim language such would not exclude there being an additional sleeve over this portion, however, such is also moot in light of the new prior art to Fischerkeller which also teaches this feature, and where 14a has it's corner shaved down which would make it a shorter wave than the other waves 14 thereby meeting the rest of the structure missing from the prior art.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference to Schwarz showing a state of the art pipe and connection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James F. Hook/  
Primary Examiner, Art Unit 3754

JFH